



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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RICHARD D. WEISS
Acting County Counsel

August 20, 2014

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JENNIFER A.D. LEHMAN *JADL*
Assistant County Counsel
Law Enforcement Services Division

RE: **S.F., a minor, by Nicole Eastwood v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 504566

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda of September 2, 2014.

JADL:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled S.F., a minor by Nicole Eastwood vs. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 504566 in the amount of \$975,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of wrongful death and civil rights violations by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|---|
| CASE NAME | S.F., a minor, through Nicole Eastwood, et al. v. County of Los Angeles, et al. |
| CASE NUMBER | BC 504566 |
| COURT | Los Angeles Superior Court |
| DATE FILED | Complaint filed April 2, 2013 |
| COUNTY DEPARTMENT | Sheriff's Department Contract Cities Trust Fund |
| PROPOSED SETTLEMENT AMOUNT | \$ 975,000 |
| ATTORNEY FOR PLAINTIFF | Dale Galipo Law Offices of Dale K. Galipo |
| COUNTY COUNSEL ATTORNEY | Edwin Lewis |
| NATURE OF CASE | <p>This is a recommendation to settle for \$975,000, the lawsuit filed by the minor child and mother of decedent Tony Francis and against the County, and a Sheriff's Deputy, alleging federal and State civil rights violations, wrongful death, and other State law tort claims.</p> <p>Mr. Francis's family claims that a Sheriff's Deputy wrongfully shot and killed Mr. Francis. The Deputy claims that he shot Mr. Francis as he believed his life was in danger.</p> |

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$975,000 is recommended.

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|-----------------------------|----|--------|
| PAID ATTORNEY FEES, TO DATE | \$ | 25,538 |
|-----------------------------|----|--------|

| | | |
|---------------------|----|-------|
| PAID COSTS, TO DATE | \$ | 1,504 |
|---------------------|----|-------|

Case Name: S.F., a Minor, et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

| | |
|--|--|
| Date of Incident/event: | Friday, August 24, 2012; approximately 2:11 p.m. |
| Briefly provide a description of the incident/event: | <p><u>S.F., a Minor, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-013</p> <p>On Friday, August 24, 2012, at approximately 2:11 p.m., a uniformed Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Lakewood Station, was driving a standard black and white, County of Los Angeles-owned patrol vehicle, east in the 9400 block of Alondra Boulevard, Bellflower, when he observed a man (decendent) committing a robbery. The decendent saw the deputy sheriff and fled on foot. The deputy sheriff followed the decendent in his patrol vehicle to the rear of the business at 9463 Flora Vista Street, Bellflower.</p> <p>Because the deputy sheriff was driving on a dirt/gravel driveway, he was unable to stop his patrol vehicle at the end of the road. As a result, the vehicle collided with a cinderblock wall at the rear of the property. The decendent was standing at the base of the same wall less than 15 feet from the deputy sheriff's disabled patrol vehicle.</p> <p>Despite repeated warnings to remove his hands from his waistband, the decendent failed to comply. Fearing he was about to be shot by the decendent, the deputy sheriff discharged his Department-issued duty weapon at the decendent, striking him.</p> <p>The decendent was pronounced dead at the scene.</p> |

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is the use of physical (deadly) force by a member of the Los Angeles County Sheriff's Department resulting in the death of the decendent.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's

County of Los Angeles
Summary Corrective Action Plan

Department's Homicide Bureau. The results of their investigation were presented to representatives from the Los Angeles County District Attorney's Office. On June 4, 2013, the office of the Los Angeles County District Attorney concluded that the deputy sheriff acted in lawful self-defense.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On January 9, 2014, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee determined both the tactics employed by the deputy sheriff and the physical force used against the decedent were within Department policy. The committee did, however, recommend the deputy sheriff attend relevant training. (The deputy sheriff completed the training on March 3, 2014.)

No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

3. Are the corrective actions addressing department-wide system issues?

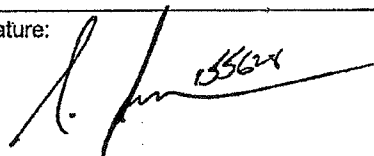
- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Acting Captain
Risk Management Bureau

Signature:



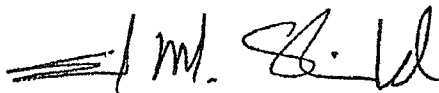
Date:

7-14-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

07-18-2014

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County of Los Angeles
Summary Corrective Action Plan

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|--|-----------|
| Chief Executive Office Risk Management Inspector General USE ONLY | |
| Are the corrective actions applicable to other departments within the County? | |
| <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. | |
| <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department. | |
| Name: (Risk Management Inspector General) | |
| Destiny Castro | |
| Signature: | Date: |
| Destiny Castro | 7/22/2014 |